

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANITA PARKER, on behalf of herself and all
others similarly situated

Plaintiff,

v.

J. CREW GROUP, INC., J. CREW L.L.C. and
DOES 1 through 100, inclusive

Defendants.

Case No.: 1:16-cv-10775

**NOTICE OF REMOVAL OF ACTION
PURSUANT TO 28 U.S.C. §§ 1331, 1441,
and 1446**

**DEFENDANT J. CREW GROUP, INC.'S
NOTICE OF REMOVAL OF ACTION**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant J. Crew Group, Inc., by and through its undersigned counsel, DLA Piper LLP (US), files this Notice of Removal of civil action from the Circuit Court of Cook County, Chancery Division, Illinois, Docket No. 2016CH13203, to the United States District Court for the Northern District of Illinois, Eastern Division. In support of this Notice of Removal, J. Crew Group, Inc. states as follows:

INTRODUCTION AND BACKGROUND

1. On October 6, 2016, Plaintiff Anita Parker (“Plaintiff”) commenced a civil action by filing a putative Class Action Complaint and Jury Demand (the “Complaint”) against Defendants J. Crew Group, Inc. and J. Crew L.L.C. (collectively, “Defendants”) in the Circuit Court of Cook County, Chancery Division, State of Illinois, styled *Anita Parker v. J. Crew Group, Inc., et al.*, Docket No. 2016CH13203 (the “State Court Action”).

2. The Complaint alleges that Defendants violated the Fair and Accurate Credit Transactions Act (“FACTA”), 15 U.S.C. § 1681, *et seq.*, which prohibits merchants from printing “more than the last 4 digits of the [credit or debit] card number . . . upon any receipt provided to the cardholder at the point of the sale or transaction,” 15 U.S.C. § 1681c(g).

3. The Complaint contains one cause of action for an alleged willful violation of FACTA.

4. The Complaint contains no other causes of actions.

**THIS COURT HAS ORIGINAL JURISDICTION OVER THE ACTION
BASED ON FEDERAL QUESTION JURISDICTION**

5. 28 U.S.C. § 1331 states that federal “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

6. FACTA is a statutory scheme that was enacted by Congress in 2003. *See* 15 U.S.C. § 1681, *et seq.*

7. The State Court Action therefore “aris[es] under the . . . laws . . . of the United States,” and this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

THE REMOVAL REQUIREMENTS ARE MET

8. 28 U.S.C. § 1441(a) states that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

9. The procedural requirements to effectuate removal are contained in 28 U.S.C. § 1446. All of the applicable requirements in 28 U.S.C. § 1446 are satisfied.

10. First, 28 U.S.C. § 1446(b)(1) states that “[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or

otherwise, a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based”

11. J. Crew Group, Inc. was personally served on Thursday, October 20, 2016 at its office located at 770 Broadway, New York, New York, 10003. Thus, the deadline for removal for J. Crew Group, Inc. is Monday, November 21, 2016.

12. This Notice of Removal is timely because it is being filed on Monday, November 21, 2016.

13. Second, 28 U.S.C. § 1446(b)(2)(A) states that when, as is the case here, “a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.”

14. J. Crew Group, Inc. is without information or knowledge as to whether J. Crew L.L.C. has been “properly joined and served.” 28 U.S.C. § 1446(b)(2)(A). However, even if it has been, the consent of J. Crew L.L.C. is not needed because J. Crew L.L.C. is a nominal defendant. *See Midland Mgmt. Co. v. Am. Alternative Ins. Corp.*, 132 F. Supp. 3d 1014, 1024 (N.D.Ill. 2015) (“There have been exceptions to the rule requiring all defendants to join in a removal petition. Nominal or formal parties, unknown defendants, and defendants fraudulently joined may be disregarded.”) (*quoting Hess v. Great Atl. & Pac. Tea Co.*, 520 F. Supp. 373, 375-76 (N.D.Ill. 1981)).

15. “A defendant is nominal if there is no reasonable basis for predicting that it will be held liable.” *Shaw v. Dow Brands, Inc.*, 994 F.2d 364, 369 (7th Cir. 1993). J. Crew L.L.C. is not a parent, subsidiary, or affiliate of J. Crew Group, Inc. (*See Declaration of Maria F. Di Lorenzo*, attached hereto as Exhibit 1, at ¶¶ 3, 6). Instead, upon information and belief, J. Crew

L.L.C. is a building cleaning company. (*Id.* at ¶¶ 4-5). Accordingly, there is no basis to conclude that J. Crew L.L.C. will be held liable for the alleged FACTA violation.

16. Third, 28 U.S.C. § 1446(a) states that “[a] defendant or defendants desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.”

17. In addition to this Notice of Removal, attached hereto as Exhibit 2 are true and accurate copies of the Complaint and summons served upon J. Crew Group, Inc.

VENUE IS APPROPRIATE IN THIS COURT

18. The State Court Action is currently pending in the Circuit Court of Cook County, Chancery Division. The United States District Court for the Northern District of Illinois, Eastern Division, is the “district Court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

J. CREW GROUP, INC. IS PROVIDING THE REQUISITE NOTICE

19. Pursuant to 28 U.S.C. § 1446(d), J. Crew Group, Inc. is “promptly” (i) giving written notice to Plaintiff of this Notice of Removal, by serving a copy on her counsel *via* email and overnight mail, and (ii) filing a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Chancery Division.

CONCLUSION

20. This Notice of Removal is without waiver to any claims or defenses that may be available to J. Crew Group, Inc., all of which are expressly reserved.

21. J. Crew Group, Inc. respectfully reserves the right to amend or supplement this Notice of Removal as may be appropriate.

DATED: November 21, 2016

s/Raj. N. Shah

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J. Crew Group, Inc.

CERTIFICATE OF SERVICE

I, Raj N. Shah, an attorney, certify that on **November 21, 2016** I caused a true and accurate copy of the foregoing ***Defendant J. Crew Group, Inc.'s Notice of Removal of Action***, to be served via first class United States mail, postage pre-paid, upon the following counsel of record and other parties served with process as listed below:

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s/Raj N. Shah
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